

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MICHAEL TALIAFERRO JOHNSON,)
202096,)
)
Plaintiff,)
)
v.) CIVIL CASE No. 2:21-cv-456-ECM
) (WO)
ALABAMA DEPARTMENT)
OF CORRECTIONS, *et al.*,)
)
Defendants.)

O R D E R

On January 18, 2022, the Magistrate Judge entered a Recommendation (doc. 19) to which no timely objections have been filed. After an independent review of the file and upon consideration of the Recommendation, it is

ORDERED as follows:

1. the Recommendation of the Magistrate Judge is ADOPTED;
2. the Plaintiff's Complaint against the Alabama Department of Corrections is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915A(b)(1);
3. the Plaintiff's claims regarding the constitutionality of the challenged disciplinary proceeding is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) as the claims are not properly before the Court at this time;
4. the Alabama Department of Corrections is TERMINATED as a party in this action; and

5. this case regarding the Plaintiff's allegation of excessive force against the remaining defendants is referred back to the Magistrate Judge for further proceedings.

Done this 8th day of February, 2022.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE